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**Rural Development, Agriculture, &  
Natural Resources Committee**

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**HB 2049**

**Brief Description:** Concerning commercial egg layer operations.

**Sponsors:** Representative Blake.

**Brief Summary of Bill**

- Changes the third party operational standards with which those applying for new or renewed egg handlers licenses must prove compliance.

**Hearing Date:** 2/20/19

**Staff:** Rebecca Lewis (786-7339).

**Background:**

Egg Handler and Egg Dealer Licenses.

The Washington State Department of Agriculture (WSDA) administers the Wholesome Eggs and Egg Products Act (Act). The stated purpose of this act is to promote uniformity of state legislation and regulation with the federal Egg Products Inspection Act. The Act contains provisions for licensing, inspection, sanitation, pasteurization, and labeling.

Under the Act, before a person may lawfully act as an egg handler or egg dealer, the person must obtain a license from the WSDA. Egg handlers and egg dealers are people who produce, or contract for the production of, eggs or egg products for the purpose of sales.

Third Party Egg Production Certification.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

Multiple private, third party groups offer marketing certifications regarding agricultural practices and animal husbandry. Two of these groups are the United Egg Producers (UEP) and the American Humane Association (AHA).

The UEP is, according to its website, a cooperative made up of egg farmers from across the country. The UEP runs a certification program available to egg producers. Egg producers satisfying the husbandry guidelines established by the UEP may attach the "UEP-certified" label on their product.

The AHA is a private, nonprofit organization that also offers third party certification of farm-raised products, including eggs. In 2011 the AHA published their updated standards for enriched colony housing. Egg production operations must be conducted consistent with these standards to achieve certification from the AHA and to be licensed to market their products as AHA-certified. According to those guidelines, certification requires a producer to apply the applicable facility plan design and site approval standards. This includes providing the AHA with information about the farm, including the number of birds on the farm and details about the bird's physical environment. Certified farms must report annually to the AHA and are subject to inspection by a third party auditor.

Under state law, entities providing eggs or egg products for intrastate commerce that apply for either an egg handler or egg dealer license before January 1, 2026, must provide proof that their eggs are produced by egg laying operations that meet the 2010 version of the UEP animal husbandry guidelines.

Any new facilities built between January 1, 2012, and December 31, 2016, were required to be approved under or convertible to the American Humane Association (AHA) Facility System Plan for Enriched Colony Housing in effect on January 1, 2011. Facilities that were built during this five-year period must be operated in compliance with the UEP and AHA standards; provide no less than 116.3 square inches of space per hen; and provide access to areas for nesting, scratching, and perching.

Beginning in 2026 all applicants for a new or renewed egg handlers or egg dealers license must provide proof to the WSDA that the eggs or egg products are produced by a commercial egg layer operation that:

- is approved under the 2011 version of the AHA facility plan and audit protocol for enriched colony housing; and
- provides at least 116.3 square inches of space to each hen and allows each hen access to areas for nesting, perching, and scratching.

The WSDA may require, in rule, compliance with any updated version of the UEP or AHA standards, or require compliance with equivalent or more stringent standards.

These requirements apply to operations that have more than 3,000 laying chickens, and do not apply to commercial egg layer operations that produce eggs or egg products from fowl other than domestic chickens.

### **Summary of Bill:**

The third party operational standard with which applicants for new or renewed egg handlers or egg dealers licenses must prove compliance beginning in 2026 is changed from the 2011 Facility System Plan for Enriched Colony Housing to the 2017 edition of the United Egg Producers' Animal Husbandry Guidelines for United States Egg Laying Flocks: *Guidelines for Cage-Free Housing* (2017 UEP Guidelines). Equivalent or more stringent standards may still be met. Also beginning in 2026 commercial egg layer operations that are required to meet the 2017 UEP Guidelines, or equivalent guidelines, must ensure all hens in their operation are provided with no less than 1 square foot of space per hen and access to areas for nesting, scratching, and perching.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.